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Attorneys for Defendant Wyeth Pharmaceuticals,  
a Division of Wyeth, Walter Wardrop, and  
Michael McDermott

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER  
WARDROP, ANDREW SCHASCHL, and  
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (WCC)

**NOTICE OF DEFENDANTS'  
MOTION IN LIMINE NO. 5**

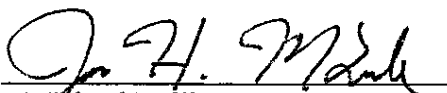
PLEASE TAKE NOTICE that upon the attached Declaration of James H. McQuade, dated December 19, 2007, the accompanying Defendants' Memorandum of Law in Support of their Motion in Limine No. 5 to Preclude Plaintiff from Submitting Evidence or Claims of Constructive Discharge to the Jury and all prior pleadings and proceedings herein, Defendants Wyeth Pharmaceuticals, a Division of Wyeth, Michael McDermott, and Walter Wardrop ("Defendants") will move this Court, before the Honorable William C. Conner, United States District Judge for the Southern District of New York, at the United States Courthouse, 300 Quarropas St., Room 630, White Plains, New York, at a date and time convenient for the Court, for an order granting Defendants' Motion in Limine No. 5 precluding Plaintiff Howard Henry

from offering at trial any evidence, including documents or eliciting testimony, in support of any claim, and from submitting any claim, of constructive discharge to the jury.

Dated: New York, New York  
December 19, 2007

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

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